

REMARKS

These remarks are in response to the Office Action dated June 3, 2003. Claims 1-4 and 6-22 are pending. Claims 9-14, 17 and 22 are allowable. Claims 1, 4, 20 and 21 have been amended. Support for "hypomorphic expression of the polypeptide increases resistance to heat stress in Drosophila," as recited in claims 1, 4 and 21, can be found at page 78, lines 21-24. No new matter has been added. Applicants request reconsideration of the present application.

I. REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-4, 6-8, 15, 16 and 21 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for the recitation of "modulates." While Applicants traverse this rejection, Applicants note that the recitation of "modulates" has been deleted from the claims and replaced with "hypomorphic expression of the polypeptide increases resistance to heat stress in Drosophila." Applicants believe that these amendments render the rejection moot with regard to independent claims 1, 4 and 21 and the claims which depend therefrom. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

II. REJECTIONS UNDER 35 U.S.C. §101

Claims 1 and 2 stand rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. While Applicants traverse this rejection, Applicants note that claim 1 has been amended to recite an "isolated" antibody. Applicants

regard to claims 1 and 2. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §101 be withdrawn.

III. REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

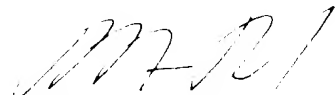
Claim 20 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. While Applicant's respectfully traverse this rejection, it is noted that claim 20 has been amended to recite, in part, "wherein the antibody selectively binds to the polypeptide consisting of amino acids 407-420 of SEQ ID NO:2." In view of the amendment to claim 20, Applicant's request that this rejection be withdrawn.

In summary, for the reasons set forth herein, Applicants maintain that claims 1-4 and 6-22 clearly and patentably define the invention. Applicants request that the Examiner reconsider the various grounds set forth in the Office Action and allow the claims which are now pending. No fees are believed due. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

8-22-03

  
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